

Patent US 210
Edwards Ref: RMI-5726
(formerly 260/008)

REMARKS

Claims 1-3, 5-14, 18, 21, 24, 27, 29, and 31 remain pending in this case. Claims 1, 6-9, 18, 21, and 29 have been amended. Claim 4 was canceled. Support for these amendments can be found in the original specification at, e.g., Figs. 7, 9E, 9F; page 10, lines 6-14; page 10, line 21 – page 11, line 2; and page 12, line 18 – page 13, line 5. Therefore, these amendments were made without the addition of new matter. Reconsideration and reexamination of the rejections set forth in the Office Action mailed May 4, 2004, is respectfully requested.

35 USC § 112

Claims 1-7, 18, and 21 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention.

In particular, the term “the cantilever” in claims 1, 6, and 7 allegedly lacks antecedent basis. Applicants have amended claims 1, 6, and 7 to refer to the “flexible cantilever beam,” which has antecedent basis in line 6 of claim 1.

The term “the filter” in claims 18 and 21 also allegedly lacks antecedent basis. Applicants have amended claim 18 to refer to the “filter mesh,” which has antecedent basis in lines 2-5 of claim 18. Applicants also amended claim 21 to refer to the “filter cartridge” and “filter mesh.” As with claim 18, both of these terms have antecedent basis in lines 3-8 of claim 24. Accordingly, Claims 1-7, 18 and 21 are in condition for allowance.

Art Rejections

Claims 1, 8-14, 18, 21, 24, 29, 31, and 32 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Ambrisco et al. (U.S. Patent No. 6,007,557). Claims 5-6 were rejected as being allegedly unpatentable under 35 U.S.C. § 103(a) over Ambrisco et al. Applicants overcome the rejections as follows.

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With respect to claims 1 and 18, Applicants have amended the claims to incorporate the features of dependent claim 4, which the Examiner has indicated would be allowable if rewritten in independent form. Accordingly, Claims 1 and 18 are allowable.

With respect to claims 8 and 21, Applicants have amended the claims to set forth that the flexible shaft is "greater than 50 cm." Ambrisco et al. does not teach or suggest a filter including a flexible shaft having a length "greater than 50 cm." Accordingly, Claims 8 and 21 are allowable over the cited reference.

As originally filed, claim 24 sets forth that the port has a "crescent-shaped" passage. Ambrisco et al. does not teach or suggest a medical device with a port on an outer surface of a cannula with a crescent-shaped passage. Accordingly, Claim 24 is allowable over the cited reference.

Claim 29 sets forth a "flexible ring having a first point that is pivotally bonded to the elongate member and having a second point that is pivotally bonded to the elongate member." Applicants respectfully submit that Ambrisco et al. does not teach or suggest a filter with a flexible ring having these characteristics. Accordingly, Claim 29 is allowable over the cited reference.

As originally filed, claim 31 sets forth the flexible ring is "formed of a thicker and stiffer material near its point of attachment to the elongate member." Ambrisco et al. does not teach or suggest a filter with a flexible ring having these characteristics. Accordingly, Claim 31 is allowable over the cited reference.

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's indication that claim 27 is allowed.

Applicants gratefully acknowledge the Examiner's indication that claims 2-4 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As stated previously, Applicants have amended claim 1 to include the limitation of claim 4. Accordingly, Claim 1 is allowable.

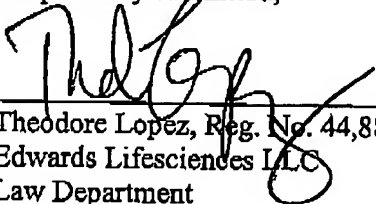
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CONCLUSION

For the above reasons, pending Claims 1-3, 5-14, 18, 21, 24, 27, 29, and 31 are in condition for allowance and allowance of the application is hereby solicited. If the Examiner has any questions or concerns, a telephone call to the undersigned at 949-250-6856 is welcomed and encouraged.

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Respectfully submitted,


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